

substrate 12 in Plickert et al. as serving to encapsulate the lenses and the laser. The Examiner cited language at column 5, lines 34-36 in the Plickert et al. reference, and noted that the truncated pyramid shape in the substrate 12 is transparent to radiation.

This revised rejection based on Plickert et al. is respectfully traversed for the following reasons.

The top of truncated pyramid in the substrate 12 in the Plickert et al. reference is explicitly stated to have an opening therein, as stated in the Plickert et al. at column 4, line 64. Moreover, the presence of the opening 18 in the truncated pyramid in the substrate 12 in Plickert et al. is important for manufacturing the Plickert et al. device, because, as stated at column 5, lines 5-10 of the Plickert et al. reference, the mask for structuring the V-grooves can be positioned very accurately, because the orientation is performed relative to the opening 18.

The presence of the opening 18 therefore precludes the substrate 12 from serving as an encapsulation of the lenses and the laser. Moreover, it would be contrary to the teachings of the Plickert et al. reference to employ a true pyramidal opening in the substrate 12, instead of a truncated pyramid, or to otherwise cover over the opening 18, because this would then remove the landmark that is explicitly stated to be used in the Plickert et al. reference for orienting the aforementioned mask.

As the Examiner has noted, claim 1 of the present application explicitly requires a covering that is transparent to the radiation emitted by the laser diode bar, and which encapsulates the carrier, the laser diode bar and the optical arrangement. Applicants are using the word "encapsulates" in claim 1 according to its conventional

understood meaning is provided in the *McGraw-Hill Dictionary of Scientific and Technical Terms*, Fifth Edition (page 676) a copy of which is attached hereto. This well-understood meaning is defined as "To surround, encase, or enclose as if in a capsule." The example is given of enclosing an item such as an electronic components in plastic.

As the Examiner is aware, the primary purpose of encapsulation of electronic components is to protect such components against dirt, moisture and other contaminants. A structure such as the substrate 12 with the opening 18 therein is not intended to perform that function, and is incapable of performing that function.

The Plickert et al. reference, therefore, does not disclose all of the elements of claim 1 as arranged and operating in that claim, and thus does not anticipate claim 1 or any of claims 2-6 or 9 depending therefrom.

Claims 1, 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Plickert et al. in view of Hwu et al. This rejection was also made in the aforementioned previous Office Action, and in the aforementioned Response by the Applicants, arguments were presented as to why the Plickert et al. and Hwu et al. structures each presents significant structural reasons which would dissuade a person of ordinary skill in the art from even attempting to combine those structures. The Examiner has not responded to any of those arguments and has simply repeated the previous rejection. Applicants respectfully submit the previously presented arguments are still valid and applicable. Those arguments can now be augmented with the above arguments relating to the Examiner's clarification of the manner by which the Examiner is relying on the teachings of the Plickert et al. reference. In view of the opening 18 in the substrate 12 of the Plickert et al.

reference, even if the Plickert et al. structure were modified (in a manner and for reasons that are unknown to the present Applicants), a combination as set forth in independent claim 1 still would not result, because there would be no encapsulation of the carrier, the laser diode bar and the optical arrangement.

Moreover, as also discussed above, it would not have been obvious to a person of ordinary skill in the art to modify the Plickert et al. reference to cover over the hole 18, to allegedly provide such encapsulation, because this would then destroy one of the purposes for which the opening 18 is present in the Plickert et al. reference.

Claim 1, therefore, would not have been obvious to a person of ordinary skill in the art based on the teachings of Plickert et al. in view of Hwu et al. Claims 7 and 10 add further structure to the non-obvious combination of claim 1, and neither claim 7 nor claim 10 would have been obvious to a person of ordinary skill in the art based on the teachings of Plickert et al. and Hwu et al., for the same reasons discussed above in connection with claim 1.

As in the aforementioned previous response, claims 11-14 and 17-19 were merely rejected based on the Examiner taking official notice of certain facts. As stated in Applicants' aforementioned previous response, Applicants do not disagree that the facts about which the Examiner has taken official notice are well known, however, there is no rejection of claims 11-14 and 17-19 on any basis other than the aforementioned official notice. Claims 11-14 and 17-19 were not included in any of the previously discussed rejections, and therefore stand as simply being rejected based on the aforementioned official notice. This was pointed out the Examiner in the previous response, but no modification of this alleged rejection has been made.

The Examiner simply has no statutory basis whatsoever to reject claims 11-14 and 17-19 based solely on official notice. Again, the Examiner has not bothered to respond to Applicant's previous arguments on this point, nor has the Examiner modified the rejection of claims 11-14 and 17-19. Apparently, since this non-statutory rejection has been reviewed twice by the Examiner's supervisor, and apparently approved by the Examiner's supervisor, the Examiner's supervisor apparently agrees that this rejection has a statutory basis. If this is the case, either the Examiner or his supervisor is requested to specifically identify a statutory basis for making a rejection based solely on official notice. Official notice can be used as a convenience for allowing the Examiner to forego identifying an authority for facts that are beyond dispute, however, use of official notice cannot be used as a substitute for the Examiner's obligation to have a statutory basis, and evidentiary support, for every rejection. Official notice cannot serve as a "stand alone" basis for rejecting a claim.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

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